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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re:

THE ROMAN CATHOLIC ARCHBISHOP OF  
SAN FRANCISCO,

Debtor and Debtor in Possession.

Case No.: 23-30564

Chapter 11

***EX PARTE APPLICATION OF THE  
OFFICIAL COMMITTEE OF UNSECURED  
CREDITORS FOR ENTRY OF AN ORDER  
PURSUANT TO BANKRUPTCY RULE 2004  
AUTHORIZING ORAL EXAMINATION OF  
AND PRODUCTION OF DOCUMENTS BY  
BURR PILGER MEYER, INC.***

The Official Committee of Unsecured Creditors (the “Committee”) appointed in the above-captioned chapter 11 bankruptcy case (the “Case”) of The Roman Catholic Archbishop of San Francisco, a California corporation (the “Debtor”), hereby files this *ex parte* application (the “Application”) under Federal Rule of Bankruptcy Procedure 2004 (“Rule 2004”) and Local Bankruptcy Rule 2004-1 (“Local Rule 2004-1”) for entry of an order authorizing the Committee to issue a subpoena to Burr Pilger Mayer, Inc. (“BPM”), the auditing firm that has provided auditing services to The Central Administrative Office of the Roman Catholic Archdiocese of San Francisco

(the “Chancery”), at least some, if not all, of the Affiliates<sup>1</sup> within the Debtor’s Archdiocese Enterprise (defined below), including perhaps some or all of the parishes in the Archdiocese of San Francisco. The Committee’s proposed subpoena will provide that BPM shall (1) complete its production, by **April 5, 2024**, of documents responsive to the Requests for Production (the “Requests”) set forth substantially in the form attached hereto as **Exhibit 1**, and (b) at the Committee’s election, provide oral testimony (the “Oral Testimony”), on a mutually agreed date no later than **May 10, 2024**, relating to BPM’s search for and possession, custody, or control of documents responsive to the Requests.

### **I. PRELIMINARY STATEMENT**

Pursuant to Rule 2004, the Committee seeks entry of an order authorizing it to issue a subpoena directed to BPM to produce documents and for oral examination. The Committee is informed and believes that BPM has provided and continues to provide auditing functions for the Debtor’s Chancery and some of the divisions within the Archdiocese Enterprise beginning in or before 2014 and continuing to the present. As the Committee does not know if BPM audited any of the parishes in the Archdiocese of San Francisco (the “Parishes”), the Parishes are also the subject of the Requests and included in the below definition of Archdiocese Enterprise.

The Requests are narrow. They seek information that the Chancery maintains as an operating division of the Debtor concerning the Debtor’s assets, liabilities, and financial condition in the ten (10) years prior to the Petition Date and since the Petition Date. The Requests also seek the same information for the same time period regarding the Archdiocese Enterprise. At a future point, the Committee may contend as a matter of law that the Archdiocese Enterprise, or certain of them, are in possession of estate assets because, *inter alia*, (a) the Debtor is a corporation sole and the Parishes, Affiliates and all related divisions within the Archdiocese Enterprise are not separate civil entities and (b) of their governance and operating relationship. Consistent with all the confirmed chapter 11 plans for diocesan debtors to date, the Debtor’s plan will provide for releases for the Parishes and may

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<sup>1</sup> The Affiliates are each affiliated with, associated with, or related to the Debtor. The term “Affiliates” is defined in Section II.A. of the Application.

1 provide such releases for Affiliates and other divisions within the Archdiocese Enterprise. For these  
2 reasons, the Committee seeks information from BPM regarding the Archdiocese Enterprise to the  
3 extent BPM has possession, custody, or control of such documents.<sup>2</sup>

## 4 **II. RELEVANT FACTS**

### 5 **A. Background**

6 On August 21, 2023 (the “Petition Date”), the Debtor commenced the Case by filing a  
7 voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy  
8 Code”). Pursuant to sections 1107(a) and 1108 of the Bankruptcy Code, the Debtor continues to  
9 operate as a debtor in possession.

10 In his first-day declaration, Joseph J. Passarello, the Debtor’s Chief Financial Officer,  
11 described several divisions or entities that make up the Debtor’s enterprise.<sup>3</sup> Specifically, Mr.  
12 Passarello identified “88 parishes [the “Parishes,” listed at **Schedule A to Exhibit 1**, attached hereto],  
13 four Archdiocesan Catholic high schools (Archbishop Riordan High School, Sacred Heart Cathedral  
14 Preparatory, Marin Catholic High School and Junipero Serra High School (collectively, the “High  
15 Schools”)), numerous elementary schools and private independent schools (collectively, the  
16 “Schools”) [listed at **Schedule B** to Exhibit 1, attached hereto], cemeteries (“Cemeteries”) and  
17 various other Catholic-based social and community service organizations that operate within the  
18 Archdiocese.”<sup>4</sup> Mr. Passarello further identified those “various other Catholic-based . . .  
19 organizations” to be the Archdiocese of San Francisco Parish, School and Cemetery Juridic Persons  
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22 <sup>2</sup> The Requests relate to all Divisions/Affiliates because the Committee does not have information sufficient to determine  
23 for which Divisions/Affiliates BPM has provided and/or currently provides auditing services. The Committee is informed  
24 and believes that at least in or about 2016, BPM provided auditing services to The Roman Catholic Cemeteries of San  
25 Francisco, Archbishop Riordan High School, Junipero Serra High School, Marin Catholic High School, and Sacred  
26 Heart Cathedral Preparatory. The Committee is further informed and believes that audits were performed for the  
27 following Affiliates although the identity of the auditor is not known to the Committee: St. Patrick’s Seminary;  
28 Vallombrosa Retreat Center; the Archdiocese of San Francisco Parish, School and Cemetery Juridic Persons Capital  
Assets Support Corporation; the Archdiocese of San Francisco Parish and School Juridic Persons Real Property Support  
Corporation; and Catholic Charities CYO of the Archdiocese of San Francisco.

<sup>3</sup> *Declaration of Joseph J. Passarello in Support of Chapter 11 Petition and Debtor’s Emergency Motions* [Doc. No. 14].

<sup>4</sup> *Id.* ¶ 15.

Capital Assets Support Corporation<sup>5</sup>, the Archdiocese of San Francisco Parish and School Juridic Persons Real Property Support Corporation<sup>6</sup>, the Benedict XVI Institute for Sacred Music and Divine Worship<sup>7</sup>, the Roman Catholic Seminary of San Francisco<sup>8</sup>, Catholic Charities CYO of the Archdiocese of San Francisco<sup>9</sup>, Department of Catholic Schools<sup>10</sup>, Catholic Cemeteries<sup>11</sup>, Vallombrosa Retreat Center<sup>12</sup>, Serra Clergy House<sup>13</sup>, and the Archdiocesan Annual Appeal<sup>14</sup> (these Affiliates, together with the Parishes, High Schools, Schools, and Cemeteries, comprise the “Archdiocese Enterprise”).

On September 1, 2023, the United States Trustee (the “UST”) appointed the Committee. The Committee consists of nine individuals who were sexually abused as minors by perpetrators for whom the Debtor was responsible. *See Appointment of Committee of Unsecured Creditors* [Doc. No. 58]. On October 24, 2023, the Court granted the Committee’s application to employ Pachulski Stang Ziehl & Jones LLP as its counsel. *See* Doc. No. 237.

### III. JURISDICTION

This Court has subject matter jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicates for the relief sought herein are §§ 1103 and 1109(b) of the Bankruptcy Code, and Rule 2004.

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<sup>5</sup> *Id.* ¶ 22.

<sup>6</sup> *Id.* ¶ 26.

<sup>7</sup> *Id.* ¶ 29.

<sup>8</sup> *Id.* ¶ 30.

<sup>9</sup> *Id.* ¶ 31.

<sup>10</sup> *Id.* ¶ 32.

<sup>11</sup> *Id.* ¶ 34.

<sup>12</sup> *Id.* ¶ 35.

<sup>13</sup> *Id.* ¶ 36.

<sup>14</sup> *Id.* ¶ 37.

#### IV. RELIEF REQUESTED

The Committee respectfully requests that the Court enter an *ex parte* order authorizing the Committee to issue a subpoena requiring BPM (1) to complete its production, by **April 5, 2024**, of documents responsive to the Requests for Production (the “Requests”) set forth substantially in the form attached hereto as **Exhibit 1**; and (b) to provide oral testimony (the “Oral Testimony”), on a mutually agreed date no later than **May 10, 2024**, relating to BPM’s search for and possession, custody, or control of documents responsive to the Requests.

#### V. BASIS FOR RELIEF

Local Rule 2004-1 provides as follows: “The Clerk may issue on behalf of the Court, *ex parte* and without notice, orders granting applications for examination of an entity pursuant to Bankruptcy Rule 2004(a).” *See* L.B.R. 2014-1(a). The Committee brings this Application *ex parte* pursuant to Local Rule 2004-1 seeking an order without need for a hearing. The Committee understands that BPM reserves the right to interpose objections to the underlying document requests after the issuance of the subpoena. The Committee commits to meet with BPM to attempt to resolve any disputes. However, objections to the underlying document requests are not grounds to oppose or delay the granting of this Application.

Rule 2004(a) provides that “[o]n motion of any party in interest, the court may order the examination of any entity.” Rule 2004 is primarily used for “revealing the nature and extent of the bankruptcy estate, and for discovering assets, examining transactions, and determining what wrongdoing occurred.”<sup>15</sup>

Pursuant to Rule 2004(b), a party in interest may seek both document and oral discovery related to “acts, conduct, or property of the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor’s estate, or to the debtor’s right to a discharge.” Under Rule 2004(c), the “attendance of an entity for examination and the production of

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<sup>15</sup> *In re Kelton*, 389 B.R. 812, 820 (Bankr. S.D. Ga. 2008); *see also In re Lufkin*, 255 B.R. 204, 208 (Bankr. E.D. Tenn. 2000) (purpose of Rule 2004 is to “determine the condition, extent, and location of the debtor’s estate in order to maximize distribution to unsecured creditors”); *In re Bennet Funding Grp., Inc.*, 203 B.R. 24, 28 (Bankr. N.D.N.Y. 1996) (purpose of Rule 2004 is to assist in “revealing the nature and extent of the estate, and to discover assets of the debtor which may have been intentionally or unintentionally concealed”).

documents . . . may be compelled in the manner provided in Rule 9016 for the attendance of witnesses at a hearing or trial.” Bankruptcy Rule 9016 makes Rule 45 of the Federal Rules of Civil Procedure (governing subpoenas) applicable in cases under the Bankruptcy Code. Unlike discovery under the Federal Rules of Civil Procedure (the “Civil Rules”), discovery under Rule 2004 can be a “pre-litigation discovery device.”<sup>16</sup> As such, a Rule 2004 motion need not be tied to specific factual allegations at issue between parties.<sup>17</sup> Moreover, the scope of a Rule 2004 examination is broader than that of discovery under the Civil Rules or the Bankruptcy Rules governing adversary proceedings.<sup>18</sup> In fact, courts have recognized that Rule 2004 examinations may be “broad” and “unfettered,” and can legitimately be in the nature of a “fishing expedition.”<sup>19</sup>

Whether to allow the requested discovery rests within the sound discretion of the Court.<sup>20</sup> Bankruptcy courts may allow a Rule 2004 examination of “third parties who have had dealings with the debtor,”<sup>21</sup> “to allow inquiry in the debtor’s acts, conduct or financial affairs so as to discover the existence or location of assets of the estate,”<sup>22</sup> “unearthing frauds,”<sup>23</sup> or to assist in recovering assets for the benefit of a debtor’s creditors.<sup>24</sup>

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<sup>16</sup> *In re Wilson*, 413 B.R. 330, 336 (Bankr. E.D. La. 2009).

<sup>17</sup> *In re Symington*, 209 B.R. 678, 683 (Bankr. D. Md. 1997) (Bankruptcy Rule 2004 permits “examination of any party without the requirement of a pending adversary proceeding or contested matter”).

<sup>18</sup> *In re Ecam Publ’ns, Inc.*, 131 B.R. 556, 559 (Bankr. S.D.N.Y. 1991); *see also In re Drexel Burnham Lambert Grp., Inc.*, 123 B.R. 702, 711 (Bankr. S.D.N.Y. 1991) (“[T]he scope of a Rule 2004 examination is very broad. Rule 2004 discovery is broader than discovery under the Federal Rules of Civil Procedure.”).

<sup>19</sup> *In re Subpoena Duces Tecum*, 461 B.R. 823, 829 (Bankr. C.D. Cal. 2011) (citation omitted); *see also In re Countrywide Home Loans, Inc.*, 384 B.R. 373, 400 (Bankr. W.D. Pa. 2008); *In re Bennet Funding Grp., Inc.*, 203 B.R. at 28 (purpose of Rule 2004 is to assist in “revealing the nature and extent of the estate, and to discover assets of the debtor which may have been intentionally or unintentionally concealed”); *In re Valley Forge Plaza Assocs.*, 109 B.R. 669, 674 (E.D. Pa. 1990).

<sup>20</sup> *See, e.g., In re Hammond*, 140 B.R. 197, 200 (Bankr. S.D. Ohio 1992).

<sup>21</sup> *See In re W&S Invs., Inc.*, No. 91-35830, 1993 U.S. App. LEXIS 8666, at \*5-6 (9th Cir. Jan. 28, 1993) (unpublished disposition) (Rule 2004 is a “broadly construed discovery device which permits any party in interest in a bankruptcy proceeding to move for a court order to examine any entity . . .,” the “scope of inquiry permitted under a Rule 2004 examination is generally very broad and can ‘legitimately be in the nature of a ‘fishing expedition.’”) (citation omitted).

<sup>22</sup> *In re Dinubilo*, 177 B.R. 932, 940 (E.D. Cal. 1993).

<sup>23</sup> *Dynamic Fin. Corp. v. Kipperman (In re N. Plaza LLC)*, 395 B.R. 113, 122 n.9 (S.D. Cal. 2008) (citations omitted).

1 In addition, section 105(a) of the Bankruptcy Code authorizes the Court to “issue any  
2 order . . . that is necessary or appropriate to carry out provisions of this title.”<sup>25</sup> The proposed  
3 discovery will, among other things, assist the Committee to fulfill its statutory duty to “investigate the  
4 acts, conduct, assets, liabilities, and financial condition of the debtor.”<sup>26</sup> The relief requested in this  
5 Application will assist the Committee’s required investigation of assets of the Debtor’s bankruptcy  
6 estate and will not reduce or expand the substantive rights of any party to object to or modify the  
7 information requested by the Committee.

8 Here, the requested relief is well within the scope of Rule 2004. The Committee seeks to  
9 maximize the amount of creditors’ recoveries in this Case. As such, the Committee needs the  
10 information from BPM’s audits of the Chancery and all divisions/entities within the Archdiocese  
11 Enterprise to determine the value of property of the estate.

## 12 **VI. NO PRIOR REQUEST**

13 No prior request for the relief sought in this Application has been made to this or any other  
14 Court.

## 15 **VII. NOTICE**

16 Local Rule 2004-1 provides that this Application can be brought “ex parte and without  
17 notice.” L.B.R. 2014-1(a). Nevertheless, notice of this Motion will be provided to (a) the California  
18 agent for service of process for BPM at CT Corporation System; 330 North Brand Blvd., Suite 700;  
19 Glendale, CA 91203; (b) BPM’s principal office mailing address in California, as set forth on the  
20 California Secretary of State website, at 2001 N. Main Street; #360; Walnut Creek, CA 94596; (c)  
21 the UST; (d) counsel to the Debtor; and (e) all parties listed on the *Limited Service List (as of January*  
22 *25, 2024)* [Doc. No. 445].  
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25 <sup>24</sup> See *In re Vantage Petroleum Corp.*, 34 B.R. 650, 651 (Bankr. E.D.N.Y. 1983) (allowing discovery under Rule 2004 to  
26 help the debtor “discover and recover assets for benefit of creditors of the debtor”).

27 <sup>25</sup> 11 U.S.C. § 105(a).

28 <sup>26</sup> *Id.* § 1103(c)(2).

**VIII. CONCLUSION**

For the reasons set forth above, the Committee respectfully requests that the Court grant this Application. A proposed order granting this Application is attached hereto as **Exhibit 2**.

Dated: February 27, 2024

PACHULSKI STANG ZIEHL & JONES LLP

/s/ Gillian N. Brown

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*Counsel to the Official Committee of Unsecured  
Creditors*



**EXHIBIT 1**  
**Requests for Production of Documents**

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**EXHIBIT 1**  
**INSTRUCTIONS**

- A. Unless otherwise specified, each request seeks DOCUMENTS dated or created during the ten (10) years prior to the PETITION DATE.
- B. Please bates number each page of each DOCUMENT that YOU produce.
- C. YOU are required to conduct a thorough investigation and produce all DOCUMENTS (as defined below) in YOUR possession, custody, and control.
- D. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
- E. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
- F. The use of the singular form of any word includes the plural and vice versa.
- G. If YOU are unable to comply with a particular category(ies) of the requests below and DOCUMENTS responsive to the category are in existence, state the following information:
1. The date of the DOCUMENT;
  2. The type of DOCUMENT (e.g., letter, memorandum, report, etc.);
  3. The name, address, telephone number and title of the author(s) of the DOCUMENT;
  4. The name, address, telephone number and title of EACH recipient of the DOCUMENT;
  5. The number of pages in the DOCUMENT;
  6. The document control number, if any;
  7. The present location(s) of the DOCUMENT and the name, address and telephone number of the person(s) who has (have) possession of the DOCUMENT;
  8. A specific description of the subject matter of the DOCUMENT;
  9. The reason why the DOCUMENT cannot be produced or why you are unable to comply with the particular category of request.
- H. YOU are under a continuing duty to amend YOUR written response and to produce additional DOCUMENTS if you learn that the response or production is incomplete or

- incorrect in any material respect, and if the additional or corrective information has not otherwise been made known to the COMMITTEE during the discovery process or in writing.
- I. YOU are required to produce the full and complete originals, or copies if the originals are unavailable, of each DOCUMENT responsive to the categories below along with all non-identical copies and drafts in its or their entirety, without abbreviations, excerpts, or redactions. A copy may be produced in lieu of originals if the entirety (front and back where appropriate) of the DOCUMENT is reproduced and YOU state by declaration under penalty of perjury that the copy provided is a true, correct, complete, and accurate duplication of the original.
- J. YOU are required to produce the DOCUMENTS as they are kept in the usual course of business, or to organize and label them to correspond with each category in these requests.
- K. For ELECTRONICALLY STORED INFORMATION (“ESI”):
1. The Committee seeks to discuss with the Debtor and/or Producing Party to whom these Requests are directed (a) potential search terms for ESI responsive to each Request; (b) the potential custodians of ESI responsive to each Request and (c) the devices to be searched for ESI responsive to each Request.
  2. Produce DOCUMENTS in accordance with the instructions at <https://support.everlaw.com/hc/en-us/articles/360004962052-Standard-Format-for-Processed-Data>
  3. Maintain family integrity.
  4. Perform custodian-level de-duplication.
  5. Produce a DAT load file with the following metadata fields: Beginning Production Number, Ending Production Number, Beginning Attachment Number, End Attachment Number, Family ID, Page Count, Custodian, Original Location Path, Email Folder Path, Document Type, Doc Author, Doc Last Author, Comments, Categories, Revisions, File Name, File Size, MD5 Hash, Date Last Modified, Time Last Modified, Date Created, Time Created, Date Last Accessed, Time Last

Accessed, Date Sent, Time Sent, Date Received, Time Received, To, From, CC,  
BCC, Email Subject, Path to Native, Path to Full Text, Original Time Zone.

6. Process all data in UTC and provide a metadata field indicating original time zone.

L. If YOU withhold or redact a portion of any DOCUMENT under a claim of privilege or other protection, then the DOCUMENT must be identified on a privilege log, which shall be produced contemporaneously with the non-privileged DOCUMENTS responsive to this Request for Production, and which privilege log shall state the following information:

1. The date of the DOCUMENT;
2. The type of DOCUMENT (e.g., letter, memorandum, report, etc.);
3. The name, address, telephone number and title of the author(s) of the DOCUMENT;
4. The name, address, telephone number and title of each recipient of the DOCUMENT;
5. The number of pages in the DOCUMENT;
6. The document control number, if any;
7. The present location(s) of the DOCUMENT and the name, address and telephone number of the person(s) who has (have) possession of the DOCUMENT;
8. A general description of the subject matter of the DOCUMENT or the portion redacted without disclosing the asserted privileged or protected communication;
9. The specific privilege(s) or protection(s) that YOU contend applies.

### **DEFINITIONS**

1. “AAA” refers to the Archdiocesan Annual Appeal discussed at PASSARELLO DECL. ¶ 37.

2. “AFFILIATES” refers to the following: any of the HIGH SCHOOLS, any of the SCHOOLS, any of the CEMETERIES, CASC, RPSC, BENEDICT XVI, the SEMINARY, CATHOLIC CHARITIES, DOS, VALLOMBROSA, SERRA, and/or the AAA.

3. “ARCHDIOCESE” refers to the geographic territory under the jurisdiction of the DEBTOR, as set forth in footnote 2 to the PASSARELLO DECL.

4. “BPM” means and refers to Burr Pilger Mayer, Inc., and all of its agents, advisors, employees, independent contractors, officers, directors, members, representatives, affiliates, subsidiaries, divisions, predecessors, and/or successors.

5. “BENEDICT XVI” refers to the Benedict XVI Institute for Sacred Music and Divine Worship.

6. “CASC” refers to the Archdiocese of San Francisco Parish, School and Cemetery Juridic Persons Capital Assets Support Corporation.

7. “CATHOLIC CHARITIES” refers to the Catholic Charities CYO of the Archdiocese of San Francisco.

8. “CEMETERIES” refers to the six operating cemeteries within the ARCHDIOCESE: Holy Cross Catholic-Colma, Holy Cross-Menlo Park, Holy Cross-Saint Mary Magdalene, Mt. Olivet, Our Lady of the Pillar (includes St. Anthony’s Pescadero), and Tomales Catholic Cemetery. CEMETERIES also includes the Director of Cemeteries and the Catholic Cemetery Advisory Board.

9. “COMMUNICATION” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

10. “DOS” refers to the Department of Catholic Schools.

11. “DOCUMENT” is synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Federal Rule of Civil Procedure 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. A DOCUMENT includes written COMMUNICATIONS.

12. “HIGH SCHOOL” means each of the four ARCHDIOCESE Catholic high schools: Archbishop Riordan High School, Sacred Heart Cathedral Preparatory, Marin Catholic High School, and Junipero Serra High School.

13. “PARISH” shall refer to each of the parishes within the ARCHDIOCESE listed on **Schedule A**, attached hereto.

14. “RPSC” means and refers to the Archdiocese of San Francisco Parish and School Juridic Persons Real Property Support Corporation (as discussed at PASSARELLO DECL. ¶ 26) and includes all of its agents, accountants, advisors, employees, experts, attorneys, financial advisors,

officers, directors, direct or indirect shareholders, members, representatives, affiliates, subsidiaries, divisions, predecessors, and/or successors.

15. "RELATING TO" means concerning, referring to, describing, evidencing, or constituting.

16. "SCHOOLS" shall refer to each of the schools within the ARCHDIOCESE listed on **Schedule B**, attached hereto.

17. "SERRA" refers to the Serra Clergy House.

18. "SEMINARY" refers to the Roman Catholic Seminary of San Francisco.

19. "VALLOMBROSA" refers to the Vallombrosa Retreat Center.

20. "WORKPAPERS" means DOCUMENTS that BPM relied upon, analyzed, and/or prepared during the course of providing its professional services, including, but not limited to, the following: (a) contents of the permanent audit file, (b) client due diligence, (c) evidence of the audit planning process, including, but not limited to, audit programs/work plans, (d) evaluation of internal controls, (e) risk assessments, (f) record of the nature, timing, extent, and results of audit testing and related audit evidence, (g) analysis of transactions, balances, ratios, and trends, (h) third-party confirmations, (i) internal notes, memoranda, and comments prepared by auditors, (j) conclusions reached by the auditor(s) RELATING TO significant aspects of the audit, including the manner in which exceptions and unusual matters disclosed by the auditor's procedures were resolved or treated, (k) checklists, (l) questionnaires, (m) contingent liability and litigation assessments, and (n) all other DOCUMENTS that BPM retained in conjunction with the audits and/or professional services it provided.

#### **DOCUMENT REQUESTS**

1. All client, third-party, and internal COMMUNICATIONS RELATING TO services that BPM performed for the CHANCERY, any and all PARISHES, and any or all AFFILIATES.
2. All WORKPAPERS RELATING TO services that BPM performed for BPM performed for the CHANCERY, any and all PARISHES, and any and all AFFILIATES.

**Schedule A**  
**List of Parishes**

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Apostleship of the Sea (CL), San Francisco, SF	38
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Old St. Mary's Cathedral / Holy Family Chinese Mission, San Francisco, SF	40
*Not accepting students at this time	
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Our Lady of Fatima Russian Byzantine Catholic, San Francisco, SF	40
Our Lady of Guadalupe (CL), San Francisco, SF	40
Our Lady of Guadalupe Mission, Brisbane, SF	40
Our Lady of Loretto, Novato, M	49
Our Lady of Lourdes, San Francisco, SF	40
Our Lady of Mercy, Daly City, SM	54
Our Lady of Mount Carmel, Mill Valley, M	49
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**EXHIBIT 2**  
**Proposed Form of Order *Ex Parte* Application**

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Counsel to the Official Committee of Unsecured Creditors

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

In re:

THE ROMAN CATHOLIC ARCHBISHOP OF  
SAN FRANCISCO,

Debtor and Debtor in Possession.

Case No.: 23-30564

Chapter 11

**ORDER GRANTING *EX PARTE*  
APPLICATION OF THE OFFICIAL  
COMMITTEE OF UNSECURED  
CREDITORS FOR ENTRY OF AN ORDER  
PURSUANT TO BANKRUPTCY RULE 2004  
AUTHORIZING ORAL EXAMINATION OF  
AND PRODUCTION OF DOCUMENTS BY  
BURR PILGER MEYER, INC.**

Upon consideration of the *EX PARTE* APPLICATION OF THE OFFICIAL COMMITTEE  
OF UNSECURED CREDITORS FOR ENTRY OF AN ORDER PURSUANT TO BANKRUPTCY  
RULE 2004 AUTHORIZING ORAL EXAMINATION OF AND PRODUCTION OF  
DOCUMENTS BY BURR PILGER MEYER, INC. (the "Application"), the record in this case, and  
for good and sufficient cause appearing,

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IT IS HEREBY ORDERED AS FOLLOWS:

1. The Application is GRANTED.

2. The Committee is authorized to issue a subpoena directed to Burr Pilger Meyer, Inc. (“BPM”), requiring BPM (a) to complete its production, by **April 5, 2024**, of documents responsive to the Requests for Production (the “Requests”) set forth substantially in the form attached as **Exhibit 1** to the Application; and (b) to provide oral testimony, on a mutually agreed date no later than **May 10, 2024**, relating to BPM’s search for and possession, custody, or control of documents responsive to the Requests.

**\*\*END OF ORDER\*\***